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FOOD AND DRUG ADMINISTRATION

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U. S. Department of Agriculture

NOTICES OF JUDGMENT UNDER THE CAUSTIC POISON ACT

[Given pursuant to section 9 of the Caustic Poison Act]

41-55

[Approved by the Acting Secretary of Agriculture, Washington, D. C., November 10, 1936]

**41. Misbranding of oxalic acid. U. S. v. Francis Moore, of Walter Morgan Co., Inc. Plea of guilty. Fine, \$10. (C. P. A. no. 35. Sample no. 62609-A.)**

This case involved oxalic acid in a concentration of 10 percent or more the label of which did not bear the common name of the article, "oxalic acid", the word "poison", nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Francis Moore, of Walter Morgan Co., Inc., Washington, D. C., charging sale by said corporation in the District of Columbia in violation of the Federal Caustic Poison Act, on or about April 20, 1934, of a quantity of oxalic acid that was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded in that the label did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid, the word "poison", nor directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**42. Misbranding of oxalic acid. U. S. v. Henry F. Dismer. Plea of guilty. Fine, \$10. (C. P. A. no. 36. Sample no. 62615-A.)**

This case involved oxalic acid in a concentration of more than 10 percent the label of which did not bear the common name of the article, "oxalic acid"; the name and the place of business of the manufacturer, packer, seller, or distributor; the word "poison"; nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia an information against Henry F. Dismer, Washington, D. C., charging sale by said defendant in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about April 20, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded (1) in that the label did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid, (2) the label did not bear the name and the place of business of the manufacturer, packer, seller, or distributor of the article, (3) it did not bear the word "poison", and (4) it did not bear directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered by the defendant, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**43. Misbranding of oxalic acid. U. S. v. Waldo A. Clark Co., Inc. Plea of guilty. Fine, \$10. (C. P. A. no. 37. Sample no. 62617-A.)**

This case involved oxalic acid in a concentration of 10 percent or more, the label of which did not bear the common name of the article, "oxalic acid", the word "poison", nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia an information against Waldo A. Clark Co., Inc., Washington, D. C., charging sale by said corporation in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about April 20, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more; was a dangerous caustic or corrosive substance in a package suitable for household use; and that it was misbranded in that the label did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid, the word "poison", nor directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**44. Misbranding of oxalic acid. U. S. v. Earl C. Slocum (Standard Paint & Glass Co.). Plea of guilty. Fine, \$10. (C. P. A. no. 38. Sample no. 62621-A.)**

This case involved oxalic acid in a concentration of 10 percent or more the package of which did not bear the common name of the article, "oxalic acid", the name and the place of business of the manufacturer, packer, seller, or distributor of the article, the word "poison", nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Earl C. Slocum, trading as the Standard Paint & Glass Co., Washington, D. C., charging sale by said defendant in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about April 21, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded (1) in that the package did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid; (2) the package did not bear the name and the place of business of the manufacturer, packer, seller, or distributor of the article, (3) it did not bear the word "poison", and (4) it did not bear directions for treatment in case of accidental personal injury.

On May 15, 1935, defendant entered a plea of guilty, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**45. Misbranding of oxalic acid. U. S. v. Becker Paint & Glass Co. Plea of guilty. Fine, \$10. (C. P. A. no. 39. Sample no. 62623-A.)**

This case involved oxalic acid in a concentration of 10 percent or more and the package in which it was contained did not bear the common name of the article, "oxalic acid"; the name and the place of business of the manufacturer, packer, seller, or distributor of the article, the word "poison"; nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against the Becker Paint & Glass Co., a corporation, Washington, D. C., charging sale by said corporation in the District of Columbia in violation of the Federal Caustic Poison Act on or about April 23, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded (1) in that the package did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid; (2) the package did not bear the name and the



place of business of the manufacturer, packer, seller, or distributor of the article; (3) it did not bear the word "poison"; and (4) it did not bear directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**46. Misbranding of oxalic acid. U. S. v. Norman Gatker, of Norman Paint Co., Inc. Plea of guilty. Fine, \$10. (C. P. A. no. 40. Sample no. 62632-A.)**

This case involved oxalic acid in a concentration of 10 percent or more the package of which did not bear the common name of the article, the name and place of business of the manufacturer, packer, seller, or distributor; the word "poison"; nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Norman Gatker, of the Norman Paint Co., Inc., Washington, D. C., charging sale by said defendant in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about April 24, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded (1) in that the package did not bear the common name of the said dangerous caustic or corrosive substance, namely, oxalic acid; (2) the package did not bear the name and the place of business of the manufacturer, packer, seller, or distributor; (3) it did not bear the word "poison"; and (4) it did not bear directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**47. Misbranding of oxalic acid. U. S. v. J. F. Meenehan's Sons Co., Inc. Plea of guilty. Fine, \$10. (C. P. A. no. 41. Sample no. 62641-A.)**

This case involved oxalic acid in a concentration of 10 percent or more, and the package in which it was contained did not bear the common name of the article, "oxalic acid"; the name and the place of business of the manufacturer, packer, seller, or distributor of the article; the word "poison"; nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against J. F. Meenehan's Sons Co., Inc., Washington, D. C., charging sale by said corporation in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about April 25, 1934, of a quantity of oxalic acid which was misbranded.

It was alleged that the article contained oxalic acid in a concentration of 10 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use, and that it was misbranded (1) in that the package did not bear the common name of said dangerous caustic or corrosive substance, namely, oxalic acid; (2) the package did not bear the name and the place of business of the manufacturer, packer, seller, or distributor of the article; (3) it did not bear the word "poison"; and (4) it did not bear directions for treatment in case of accidental personal injury.

On May 15, 1935, a plea of guilty was entered on behalf of the defendant corporation, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**48. Misbranding of acetic acid. U. S. v. George R. Salb (Salb's Pharmacy). Plea of guilty. Fine, \$10. (C. P. A. no. 42. Sample no. 62455-A.)**

This case involved a quantity of acetic acid in a concentration of 20 percent or more the label of which did not bear the word "poison" nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against George R. Salb, trading as Salb's Pharmacy, Washington, D. C., charging sale by said defendant in the District of Columbia, in violation of the Federal Caustic Poison Act, on or about May 4, 1934, of a quantity of acetic acid which was misbranded.

It was alleged that the article contained acetic acid in a concentration of 20 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use; and that it was misbranded in that the label did not bear the word "poison" nor directions for treatment in case of accidental personal injury.

On May 15, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**49. Misbranding of acetic acid. U. S. v. Frank A. Robey (Shoreham Hotel Drug Store). Plea of guilty. Fine, \$10. (C. P. A. no. 43. Sample no. 62470-A.)**

This case involved a product containing acetic acid in a concentration of 20 percent or more the label of which did not bear the word "poison" nor directions for treatment in case of accidental personal injury.

On October 24, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Frank A. Robey, trading as Shoreham Hotel Drug Store, Washington, D. C., charging sale by said defendant in the District of Columbia in violation of the Federal Caustic Poison Act on or about May 9, 1934, of a quantity of acetic acid which was misbranded.

It was alleged that the article contained acetic acid in a concentration of 20 percent or more, was a dangerous caustic or corrosive substance in a package suitable for household use; and that it was misbranded in that the label did not bear the word "poison" nor directions for treatment in case of accidental personal injury.

On October 24, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$10.

M. L. WILSON, *Acting Secretary of Agriculture.*

**50. Misbranding of ammonia water. U. S. v. Wilbur E. Crofton (Knight's Drug Store). Plea of guilty. Fine, \$10. (C. P. A. no. 44. Sample no. 62477-A.)**

This case involved ammonia water in a concentration of 5 percent or more the label of which did not bear proper and adequate directions for treatment in case of accidental personal injury.

On May 15, 1935, the United States attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District an information against Wilbur E. Crofton trading as Knight's Drug Store, Washington, D. C., charging sale by said defendant in the District of Columbia, in violation of the Federal Caustic Poison Act on or about May 10, 1934, of a quantity of ammonia water which was misbranded.

It was alleged that the article contained ammonia in a concentration of 5 percent or more, was a dangerous caustic or corrosive substance in packages suitable for household use, and that it was misbranded in that the label did not bear proper and adequate directions for treatment in case of accidental personal injury.

The information also charged a violation of the Food and Drugs Act, reported in notice of judgment no. 25801, published under that act. On May 15, 1935, the defendant entered a plea of guilty, and the court imposed a fine of \$10 for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**51. Misbranding of packages of Turcosol 17. U. S. v. Turco Products, Inc. Plea of guilty. Fine, \$100. (C. P. A. no. 55. Sample no. 26466-B.)**

The label of this article failed to comply with the requirements of the law relating to the labeling of an article containing a dangerous caustic or corrosive substance.

On January 17, 1936, the United States attorney for the Southern District of California, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Turco Products, Inc., a corporation, Los Angeles, Calif., alleging shipment by it, in violation of the Federal Caustic Poison Act, on or about January 27, 1935, from Los Angeles, Calif., to Seattle, Wash., of a quantity of Turcosol 17 which was misbranded.

The article was alleged to be misbranded in that it was shipped in packages suitable for household use and contained a dangerous caustic or corrosive substance, to wit, calcium hypochlorite, in a concentration of 10 percent or more; that the label on the packages did not bear the common name of the aforesaid dangerous substance; the label on the packages did not bear or contain the



word "poison" in letters of the size required by the Federal Caustic Poison Act; and the label affixed to the packages did not bear directions for treatment in case of accidental personal injury by the aforesaid substance.

It was further charged in the information that the article was misbranded under the Food and Drugs Act and under the Insecticide Act of 1910. (See notice of judgment no. 25803 published under the Food and Drugs Act, and notice of judgment no. 1455, published under the Insecticide Act of 1910.)

On March 2, 1936, a plea of guilty having been entered, a fine of \$100 was imposed for violation of the Caustic Poison Act.

M. L. WILSON, *Acting Secretary of Agriculture.*

**52. Misbranding of packages of Banol. U. S. v. William R. Appleman (Banol Co.). Plea of guilty. Fine, \$10 and costs. (C. P. A. no. 59. Sample no. 33298-B.)**

The label of this article failed to comply with the requirements of the law relating to the labeling of an article containing a dangerous caustic or corrosive substance.

On January 2, 1936, the United States attorney for the Northern District of Indiana, acting upon a report by the Secretary of Agriculture, filed in the district court an information against William R. Appleman trading under the name of the Banol Co., Kendallville, Ind., alleging shipment by said defendant on or about February 16, 1935, from Kendallville, Ind., to Grand Rapids, Mich., of a quantity of Banol which was misbranded in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that it consisted of carbolic acid in a concentration of 5 percent or more, was in packages suitable for household use, the label affixed to the bottles did not bear the common name of the dangerous caustic or corrosive substance, namely, carbolic acid, contained therein, and the aforesaid label did not bear the word "poison", as required by law, and in that the label did not bear or contain any directions for treatment in case of accidental personal injury.

The information also charged that the article was misbranded under the Insecticide Act of 1910, reported in notice of judgment no. 1454 published under that act.

On April 28, 1936, a plea of guilty having been entered, a fine of \$10 and costs was imposed for violation of both acts.

M. L. WILSON, *Acting Secretary of Agriculture.*

**53. Misbranding of packages of Little Wonder Drain Pipe Solvent. U. S. v. 2,197 Cans of Little Wonder Drain Pipe Solvent. Consent decree of condemnation and forfeiture. Product released under bond to be relabeled. (C. P. A. no. 61. Sample no. 30595-B.)**

The label of this article failed to comply with the requirements of the law relating to the labeling of an article containing a dangerous caustic or corrosive substance.

On March 4, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 2,197 cans of Little Wonder Drain Pipe Solvent at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about May 5 and September 30, 1935, by the R. M. Hollingshead Corporation, from Camden, N. J., to New York, N. Y., and charging misbranding in violation of the Federal Caustic Poison Act.

The article was alleged to be misbranded in that the package did not bear the common name of the caustic substance contained therein, namely, sodium hydroxide; in that the word "poison" on the labels was not in letters of the size and style provided in the Caustic Poison Act; in that the directions on the packages for treatment in case of accidental personal injury were inadequate; and in that the name on the label of the article was not so qualified as to show the Durst Manufacturing Co. as distributor of the article as provided by said act.

On May 2, 1936, the R. M. Hollingshead Corporation, having admitted the allegations of the libel and having consented to the entry of a decree, judgment of condemnation was entered providing for release of the product under bond conditioned that it be relabeled.

M. L. WILSON, *Acting Secretary of Agriculture.*

**54. Misbranding of packages of Creolin Pearson. U. S. v. Merck & Co., Inc. Plea of guilty. Fine, \$25. (C. P. A. no. 56. Sample no. 22725-B.)**

The label of this article failed to comply with the requirements of the law relating to the labeling of an article containing a dangerous caustic or corrosive substance.

On May 8, 1936, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against Merck & Co., Inc., trading at New York, N. Y., alleging shipment by said company in violation of the Federal Caustic Poison Act, on or about January 16, 1935, from the State of New York into the State of Louisiana of a quantity of Creolin Pearson which was misbranded.

The information alleged that the article contained carbolic acid in a concentration of 5 percent or more, was a dangerous caustic or corrosive substance in packages suitable for household use; and was misbranded in that the label on the package did not bear the common name of the said caustic or corrosive substance, "carbolic acid", it did not bear or contain the word "poison", and it did not bear or contain any directions for treatment in case of accidental personal injury.

On June 22, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

**55. Misbranding of packages of Big Bertha. U. S. v. The Holmerden Co. Plea of guilty. Fine, \$25. (C. P. A. no. 62. Sample no. 50631-B.)**

This case involved a dangerous caustic or corrosive substance and was not labeled in the manner the law prescribes that such substances be labeled.

On May 13, 1936, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Holmerden Co., a corporation, Stratford, Conn., alleging shipment by said company in violation of the Federal Caustic Poison Act, on or about November 13, 1935, from the State of Connecticut into the State of New York, of a quantity of Big Bertha which was a caustic or corrosive substance in packages suitable for household use and was misbranded.

The article was alleged to be misbranded in that the label affixed to the can containing the article did not bear the common name of the said dangerous caustic or corrosive substance, namely, sodium hydroxide, contained therein; in that the label did not bear the word "poison" in letters of not less than 24-point size or in letters not smaller than the largest type in the label; in that the label did not bear adequate directions for treatment in case of accidental personal injury.

On May 13, 1936, a plea of guilty was entered on behalf of the defendant company, and the court imposed a fine of \$25.

M. L. WILSON, *Acting Secretary of Agriculture.*

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